

Message Text

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ORIGIN ACDA-10

INFO OCT-01 NEA-10 ISO-00 OES-06 ERDA-05 CIAE-00 EUR-12
H-01 INR-07 IO-13 L-03 NSAE-00 OIC-02 OMB-01 PA-01
PM-04 PRS-01 SP-02 SS-15 USIA-06 TRSE-00 DODE-00
NSC-05 EB-08 NRC-05 FEA-01 /119 R

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OES:JDEVINE
PM:JMCGUINNESS
L/T:VDUKE
ACDA/GC:JMCNEILL

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FM SECSTATE WASHDC
TO AMEMBASSY ABU DHABI

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E.O. 11652: N/A

TAGS: PARM, TC

SUBJECT: NPT ADHERENCE

REFS: (A) ABU DHABI 197; (B) 76 STATE 294526

1. UAEG ATTEMPTS AT "ACCESSION SUBJECT TO RATIFICATION"
MAKE NO SENSE FOR NPT. "RATIFICATION" OF THE NPT IS
POSSIBLE ONLY FOR NPT SIGNATORIES, WHICH UAEG IS NOT AND
CAN NOT NOW BECOME, SINCE NPT WAS CLOSED FOR SIGNATURE
WHEN IT ENTERED INTO FORCE MARCH 1970. THIS MAY HAVE BEEN
SOURCE OF UAEG CONFUSION. UAEG NOW HAS ONLY A ONE STEP
PROCEDURE FOR BECOMING A PARTY, I.E. ACCESSION. ACCESSION
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ACCOMPLISHES FOR A NON-SIGNATORY WHAT RATIFICATION
ACCOMPLISHES FOR SIGNATORIES. BEGIN FYI. ACCESSION WITH
A RESERVATION OR ACCOMPANIED BY A STATEMENT IS POSSIBLE
(SEE PARA 3) BUT THIS CAN NOT BE TERMED ACCESSION SUBJECT
TO RATIFICATION. END FYI.

2. WE ARE NOT AWARE OF JOINT ARAB POSITION MENTIONED

REFTEL (A). HOWEVER IF IT EVER EXISTED, IT APPEARS TO HAVE BEEN HONORED MORE IN BREACH. WITH REGARD TO REQUIREMENT FOR "MAJOR" ARAB STATES (PARA 3, REFTEL A), IRAQ, LEBANON, SYRIA, JORDAN, LIBYA, SUDAN, MOROCCO, AND TUNISIA ARE ALL NPT PARTIES. THESE COUNTRIES REFLECT A DIVERSITY OF

POLITICAL VIEWPOINTS AND INCLUDE STATES LONG ACTIVE AND DIRECTLY INVOLVED IN SEEKING A MID-EAST SETTLEMENT. FOR THEM LACK OF ISRAELI ADHERENCE HAS NOT PRECLUDED THE POLITICAL JUDGEMENT THAT BECOMING AN NPT PARTY IS IN THEIR NATIONAL INTEREST. IN ADDITION NONE OF THESE COUNTRIES HAD CONDITIONED THEIR RATIFICATION AT THE TIME THEY SIGNED, THOUGH SYRIA DID MAKE A DISCLAIMER AT THE TIME OF ITS SUBSEQUENT RATIFICATION THAT THIS ACTION (I.E. RATIFICATION) DID NOT IMPLY RECOGNITION OF OTHER STATES WHICH MIGHT BECOME PARTY (I.E. ISRAEL). BEGIN FYI. EGYPT, KUWAIT, AND YAR ARE SIGNATORIES; SAUDI ARABIA, ALGERIA, QATAR, BAHRAIN AND OMAN HAVE NEITHER SIGNED NOR ACCEDED. EGYPT HAS MADE PUBLIC STATEMENTS THAT IT WOULD ADHERE WHEN ISRAEL ADHERES, BUT DID NOT EXPLICITLY STATE THIS WHEN IT SIGNED TREATY. IN THIS REGARD ALSO NOTE GUIDANCE IN PARA 8 REFTEL (B) END FYI.

3. WHILE UAEG DESIRE TO ACCEDE SUBJECT TO RATIFICATION IS NOT POSSIBLE WITHIN THE LEGAL MEANING OF THESE TERMS, THERE ARE OTHER POSSIBLE APPROACHES -- ACCESSION WITH RESERVATION OR ACCESSION WITH A STATEMENT. ACCESSION WITH RESERVATION IS OPPOSED BY USG SINCE ATTEMPTED RESERVATIONS THAT TEND TO CALL INTO QUESTION A STATE'S WILLINGNESS TO LIMITED OFFICIAL USE

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ABIDE BY ALL ESSENTIAL TERMS OF THE TREATY WILL BE REFUSED BY USG. THIS PROCEDURE SHOULD NOT REPEAT NOT BE RAISED WITH UAEG. WITH REGARD TO ACCESSION WITH A STATEMENT THAT IS CONSISTENT WITH THE TREATY, WHILE WE DO NOT ENCOURAGE SUCH STATEMENTS AT THE TIME OF NPT ADHERENCE YOU MAY WISH, AS TACTICAL MATTER, TO SUGGEST UAEG TAKE SUCH A COURSE. SUCH A STATEMENT IS NOT UNCOMMON AND COULD EMPHASIZE IMPORTANCE UAEG ATTACHES TO CONTINUED INTERNATIONAL SUPPORT FOR NPT WHILE MENTIONING THEIR CONCERNS ABOUT OTHER COUNTRIES' FAILURE TO ADHERE. YOU SHOULD SUGGEST SUCH A STEP ONLY IF UAEG CONCERNS MENTIONED REFTEL (A) ARE NOT SUFFICIENTLY ALLEVIATED BY POINTS MENTIONED IN PARA 1 AND 2. ALSO EMBASSY SHOULD SUGGEST THAT THE USG BE CONSULTED IN ADVANCE ON THE PROPOSED TEXT OF ANY SUCH STATEMENT, IN ORDER TO HELP AVOID SUBSEQUENT DIFFICULTIES.

4. YOU MAY ALSO WISH TO DRAW ON FOLLOWING ADDITIONAL NPT DEVELOPMENTS SINCE REFTEL (B):

-- PANAMA AND SWITZERLAND HAVE RATIFIED THE TREATY THIS YEAR (JANUARY 13 AND MARCH 9 RESPECTIVELY) BRINGING THE TOTAL NUMBER OF PARTIES TO 102.

-- MOMENTUM AND GROWING SUPPORT FOR THE TREATY IS REFLECTED BY THE FACT THAT ALMOST 20 COUNTRIES HAVE

ADHERED WITHIN THE PAST TWO YEARS, INCLUDING SEVERAL STATES WITH MAJOR NUCLEAR PROGRAMS (I.E. EURATOM STATES, JAPAN).

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